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8 Attorneys for Ithaca Homes, LLC,
9 Lisa Decottignies, and Terry Decottignies
10

11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 In re
15 PG&E CORPORATION,
16 And
17 PACIFIC GAS AND ELECTRIC
18 COMPANY,
19 Debtors.
20
21 X – Affects Both Debtors
22
23
24
25
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27
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CASE NO. 19-30088-DM

**MOTION PURSUANT TO FED. R. CIV.
PRO. 17(a)(3) TO SUBSTITUTE ITHACA
HOMES, LLC, AS THE REAL PARTY IN
INTEREST FOR CLAIM PREVIOUSLY
FILED, OR IN THE ALTERNATIVE, TO
ENLARGE TIME TO FILE PROOFS OF
CLAIM PURSUANT TO FED. R.
BANKR. 9006(b)(1)**

**Date: August 4, 2020
Time: 10:00 a.m.
Place: 450 Golden Gate Avenue
Courtroom 17
San Francisco, CA 94102
Judge: Hon. Dennis Montali**

Objection Deadline: July 27, 2020

1 Pursuant to Rule 17(a)(3) of the Federal Rules of Civil Procedure (“Rule 17(a)(3)”), Terry
2 and Lisa Decottignies, individually, as the sole managing members of Ithaca Homes, LLC, move
3 to amend Claims No 58306 (filed by Lisa) and 57515 (filed for Terry) which were filed on October
4 16, 2019. Attached hereto as Exhibits A-1 and A-2. The purpose of the amendment is to
5 substitute Ithaca Homes, LLC, which is the real party in interest for the real property loss claims
6 for losses at 1532 Bigtree, Paradise, CA 95969 which were asserted in Exhibits A-1 and A-2.
7 Amended Proofs of Claim are submitted herewith as Exhibits B-1, B-2 and B-3. This Motion is
8 supported by the attached declarations of Lisa Decottignies, Terry Decottignies and Richard Levin.
9 Exhibits C-1, C-2 and C-3.
10

11 **I. FACTS**

12 Terry and Lisa Decottignies are husband and wife. They own a property at 13721 Skyway,
13 Maglia CA 95954. They are also the owners and managers of Ithaca Homes, LLC which owns a
14 property at 1532 Big Tree Lane, Paradise, CA 95969 that was operated as a rental business at the
15 time of the Camp Fire. During the 2018 Camp Fire, damage to real and personal property and
16 associated emotional distress damages accrued at both properties.
17

18 Terry and Lisa Decottignies retained the Levin Law Group, PLC to represent them in
19 pursuing their claims for damage sustained during the Camp Fire.
20

21 On October 16, 2019, undersigned counsel filed a Proof of Claim No. 58306 for Lisa
22 Decottignies. That claim describes property damage, personal injury, business loss, and loss of
23 community and essential services claims for economic, non-economic and punitive damages as
24 well as attorneys’ fees, interest and any other available damages in an unknown amount. It lists
25 Lisa as the owner and claims damage suffered at both 1532 Bigtree and 13721 Skyway. While
26 Lisa is a joint owner of the Skyway property, the Bigtree property actually belongs to Ithaca
27 Homes, LLC.
28

1 On October 16, 2019, undersigned counsel filed a Proof of Claim No. 57515 for Terry
2 Decottignies. That claim describes property damage, personal injury, business loss, and loss of
3 community and essential services claims for economic, non-economic and punitive damages as
4 well as attorneys' fees, interest and any other available damages in an unknown amount. It lists
5 Terry as the owner and claims damage suffered at both 1532 Bigtree and 13721 Skyway. While
6 Terry is a joint owner of the Skyway property, the Bigtree property actually belongs to Ithaca
7 Homes, LLC.

8
9 Amended proofs have been prepared to state the claim properly. (Exhibit B-1, B-2 and B-
10 3).

11 **II. ARGUMENT**

12 This Court, in the original Bar Date Order of July 1, 2019 (Docket # 2806 specified:

13
14 4. Notwithstanding anything herein to the contrary, any claimant that timely files a Proof of
15 Claim and makes a good faith effort to complete a Proof of Claim Form as set forth herein,
16 shall be permitted to revise, amend, and/or supplement their applicable Proof of Claim
Form to the extent permitted by applicable law until such time as their claim is allowed or
disallowed by order of the Court.

17
18 Order, p. 10, paragraph 4.

19 Creditors Lisa and Terry Decottignies timely filed claims 58306 and 57515. By the plain
20 language of the Order, they should be allowed to amend those claims to name the real party in
21 interest.

22 Rule 17(a)(3), F. R. Civ. Pro.,¹ applies when a party has been misnamed in any civil claim.
23 It allows the substitution of the real party in interest and provides for the action "to proceed as if it
24

25 ¹ (3) *Joinder of the Real Party in Interest*. The court may not dismiss an action for failure to
26 prosecute in the name of the real party in interest until, after an objection, a reasonable time has
27 been allowed for the real party in interest to ratify, join, or be substituted into the action. After
28 ratification, joinder, or substitution, the action proceeds as if it had been originally commenced
by the real party in interest.

1 had been originally commenced by the real party in interest.” The rule applies “when an honest
2 mistake has been made in choosing the party in whose name the action is to be filed.” 1966
3 Advisory Committee Notes. The Rule applies to corrections by the plaintiff (or creditor in this
4 case) as well as the defendant (debtor). *Jones v. Las Vegas Metropolitan Police Department*, 873
5 F.3d 1123, 1129, 98 Fed. R. Serv. 3d 1603 (9th Cir. 2017) (holding that “the district court abused
6 its discretion by failing to give plaintiffs a reasonable opportunity to substitute the proper party and
7 thus cure the defective complaint”). Absent evidence that the party was intentionally misnamed in
8 order to secure a procedural advantage, or based on other bad faith motive, the rule requires that
9 the correct party be substituted for the party named in good faith error. Terry and Lisa
10 Decottiginies made an honest mistake in failing to name Ithaca Homes, LLC as the owner of the
11 property at 1532 Bigtree. The claim was timely made, so there is no prejudice to debtors or other
12 creditors. The amended claim should be allowed and should relate back to the October 16, 2019
13 filing date of the original claims.
14

15
16 In the alternative, to the extent that an extension of the bar date is required to effectuate the
17 purpose of Rule 17, the mistake in naming the individual managers for claims owned by Ithaca
18 Homes, LLC should be corrected by permitting the late filing of the amended proof under
19 Bankruptcy Rule 9006(b).
20

21 Bankruptcy Rule 9006(b)(1) allows the enlargement of time for “an act . . . required or
22 allowed to be done at or within a specified period . . . by order of court.” Rule 9006(b)(1).
23 “Excusable neglect” under Bankruptcy Rule 9006(b)(1) is a flexible concept and caselaw has
24 identified four non-exclusive factors to be considered:

25 With regard to determining whether a party's neglect of a deadline is excusable
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1 . . . we conclude that the determination is at bottom an equitable one, taking account of all
2 relevant circumstances surrounding the party's omission. These include . . . [1] the danger
3 of prejudice to the [nonmovant], [2] the length of the delay and its potential impact on
4 judicial proceedings, [3] the reason for the delay, including whether it was within the
5 reasonable control of the movant, and [4] whether the movant acted in good faith.

6 *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 395, 113 S.Ct.1489,
7 1498 (1993) (citations omitted).

8 In the present case, there is no potential for prejudice. The real property loss claim was
9 stated in the timely-filed claims. All creditors are being paid. The amendment is being filed
10 within a few weeks after The Decottiginies' learned of the error. While movants are responsible
11 for the error, it was made in good faith. There are no countervailing factors that weigh against
12 allowing the amended claim.

13 The amended claim should be allowed in the interest of justice.

14 **III. CONCLUSION**

15 For the alternative reasons set forth above, Movants respectfully request that this Court
16 enter an Order pursuant to Fed. R. Civ. Pro. 17(a)(3) and/ or Bankruptcy Rule 9006(b)(1) as
17 follows:
18

- 19 1. Granting this Motion;
- 20 2. Directing that the claim amendments at Exhibits B-1, B-2 and B-3 hereto be
21 deemed timely filed as relating back to October 16, 2019;
- 22 3. Or, alternatively, directing that Movants shall have until 30 days from a ruling on
23 this Motion to submit the proofs of claim attached as Exhibit B to Prime Clerk.
- 24 4. Granting such other or further relief as the Court deems just and proper.
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1 DATED: July 1, 2020

LEVIN LAW GROUP PLC

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By: /s/ Richard H. Levin

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Richard H. Levin

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Attorney for Ithaca Homes, LLC, Lisa
Decottignies, and Terry Decottignies

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EXHIBIT A

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

RECEIVED
OCT 16 2019
PRIME CLERK LLC

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Lisa Decottignies Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	<input checked="" type="checkbox"/> Date Stamped Copy Returned <input type="checkbox"/> No Self-Addressed Stamped Envelope <input type="checkbox"/> No Copy Provided
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave., Ste. 120</u> City <u>Chico</u> State <u>CA</u> Zip Code <u>95928</u> Phone Number <u>530-353-1679</u> Email Address <u>rlevin62@aol.com</u>	Where should payments to the creditor be sent? (if different) Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave., Ste. 120</u> City <u>Chico</u> State <u>CA</u> Zip <u>95928</u> Phone Number <u>530-353-1679</u> Email Address <u>rlevin62@aol.com</u>
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____	Filed on _____ MM / DD / YYYY
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



Proof of Claim (Fire Related)

Page 1

Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed****7. What fire is the basis of your claim?**

Check all that apply.

☒ Camp Fire (2018)☐ North Bay Fires (2017)☐ Ghost Ship Fire (2016)☐ Butte Fire (2015)☐ Other (please provide date and brief description of fire: _____)**8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different?)**1532 Bigtree, Paradise, CA 95969
13721 Skyway, Magalia, CA 95965**9. How were you and/or your family harmed?**

Check all that apply

☒ Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)☒ Owner ☐ Renter ☐ Occupant ☐ Other (Please specify): _____☒ Personal Injury☐ Wrongful Death (if checked, please provide the name of the deceased) _____☒ Business Loss/Interruption☐ Lost wages and earning capacity☒ Loss of community and essential services☐ Agricultural loss☐ Other (Please specify): _____**10. What damages are you and/or your family claiming/seeking?**

Check all that apply

☒ Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)☒ Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)☒ Punitive, exemplary, and statutory damages☒ Attorney's fees and litigation costs☒ Interest☒ Any and all other damages recoverable under California law☐ Other (Please specify): _____**11. How much is the claim?**☐ \$ _____ (optional)☒ Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

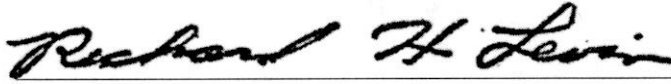
Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 10/15/2019 (mm/dd/yyyy)


Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Richard</u>	<u>Harvey</u>	<u>Levin</u>
	First name	Middle name	Last name
Title	<u>Attorney</u>		
Company	<u>Levin Law Group PLC</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>2615 Forest Ave., Ste. 120</u>		
	Number	Street	
	<u>Chico</u>	<u>CA</u>	<u>95928</u>
	City	State	ZIP Code
Contact phone	<u>530-353-1679</u>	Email	<u>rlevin62@aol.com</u>

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1 From See cannot/retailer signature below.

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PRIME CLERK LLC
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PRIME CLERK LLC
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terms and conditions.

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

RECEIVED
OCT 16 2019
PRIME CLERK LLC

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Terry Decottignies <small>Name of the current creditor (the person or entity to be paid for this claim)</small>		<input checked="" type="checkbox"/> Date Stamped Copy Returned <input type="checkbox"/> No Self-Addressed Stamped Envelope <input type="checkbox"/> No Copy Provided
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Are you filing this claim on behalf of your family? <small>A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.</small>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____		
4. Where should notices and payments to the creditor be sent? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent? Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave., Ste. 120</u> City <u>Chico</u> State <u>CA</u> Zip Code <u>95928</u> Phone Number <u>530-353-1679</u> Email Address <u>rlevin62@aol.com</u>	Where should payments to the creditor be sent? (if different) Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave., Ste. 120</u> City <u>Chico</u> State <u>CA</u> Zip <u>95928</u> Phone Number <u>530-353-1679</u> Email Address <u>rlevin62@aol.com</u>	
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____		
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Filed on MM / DD / YYYY



193008880006990

Part 2: Give Information About the Claim as of the Date this Claim Form is Filed**7. What fire is the basis of your claim?**

Check all that apply.

☒ Camp Fire (2018)☐ North Bay Fires (2017)☐ Ghost Ship Fire (2016)☐ Butte Fire (2015)☐ Other (please provide date and brief description of fire: _____)**8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different?)**1532 Bigtree, Paradise, CA 95969
13721 Skyway, Magalia, CA 95965**9. How were you and/or your family harmed?**

Check all that apply

☒ Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)☒ Owner ☐ Renter ☐ Occupant ☐ Other (Please specify): _____☒ Personal Injury☐ Wrongful Death (if checked, please provide the name of the deceased) _____☒ Business Loss/Interruption☐ Lost wages and earning capacity☒ Loss of community and essential services☐ Agricultural loss☐ Other (Please specify): _____**10. What damages are you and/or your family claiming/seeking?**

Check all that apply

☒ Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)☒ Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)☒ Punitive, exemplary, and statutory damages☒ Attorney's fees and litigation costs☒ Interest☒ Any and all other damages recoverable under California law☐ Other (Please specify): _____**11. How much is the claim?**☐ \$ _____ (optional)☒ Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

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18 U.S.C. §§ 152, 157, and 3571.


Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 10/15/2019 (mm/dd/yyyy)


Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Richard</u>	<u>Harvey</u>	<u>Levin</u>
	First name	Middle name	Last name
Title	<u>Attorney</u>		
Company	<u>Levin Law Group PLC</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>2615 Forest Ave., Ste. 120</u>		
	<u>Chico</u>	<u>CA</u>	<u>95928</u>
	City	State	ZIP Code
Contact phone	<u>530-353-1679</u>	Email	<u>rlevin62@aol.com</u>

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1 From See optional release signature below

ORDER: 00243070
PRIME CLERK LLC
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DECLARED VALUE \$100
PRIME CLERK LLC
(212) 257-4169

Next business afternoon by
3 p.m. Not available to all
locations. Weekday delivery
only. Please consult the
current FedEx Service Guide
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PRIME CLERK LLC**

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OCT 18 2019
PRIME CLERK LLC**

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201
3 1500 9942
10-18**

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
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Bankruptcy Case
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2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave, Suit 120</u> City <u>Chico</u> State <u>CA</u> Zip Code <u>93928</u> Phone Number <u>530 353 1679</u> Email Address <u>rlevin62@aol.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>58306</u> Filed on <u>10/16/2019</u> MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed**

7. What fire is the basis of your claim? Check all that apply.	<input checked="" type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: _____)
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)	Location(s): 13721 Skyway, Paradise, CA 95965 - that property is jointly owned by Terry and Lisa DeCottignies. This amended proof is filed to make it clear that the real property at 1532 Bigtree, Magalia CA 95969, and the claims resulting from damage to that real property (but not claims for emotional distress and personal property owned by Terry and Lisa DeCottignies) are owned by Ithaca Homes, LLC
9. How were you and/or your family harmed? Check all that apply	<input checked="" type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input type="checkbox"/> Business Loss/Interruption <input type="checkbox"/> Lost wages and earning capacity <input checked="" type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
10. What damages are you and/or your family claiming/seeking? Check all that apply	<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input checked="" type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?	<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07-01-2020 (mm/dd/yyyy)

/s/ Richard H. Levin

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Richard Levin</u>		
	First name	Middle name	Last name
Title	<u></u>		
Company	<u></u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>2615 Forest Ave, Suit 120</u>		
	Number	Street	
	<u>Chico</u>	<u>CA</u>	<u>93928</u>
	City	State	ZIP Code
Contact phone	<u>530 353 1679</u>	Email	<u>rlevin62@aol.com</u>

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Terry Decottignies Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave, Suit 120</u> City <u>Chico</u> State <u>CA</u> Zip Code <u>93928</u> Phone Number <u>530 353 1679</u> Email Address <u>rlevin62@aol.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>57515</u> Filed on <u>10/16/2019</u> MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed**

7. What fire is the basis of your claim? Check all that apply.	<input checked="" type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: _____)
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)	Location(s): 13721 Skyway, Paradise, CA 95965 - that property is jointly owned by Terry and Lisa DeCottignies. This amended proof is filed to make it clear that the real property at 1532 Bigtree, Magalia CA 95969, and the claims resulting from damage to that real property (but not claims for emotional distress and personal property owned by Terry and Lisa DeCottignies) are owned by Ithaca Homes, LLC
9. How were you and/or your family harmed? Check all that apply	<input checked="" type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input type="checkbox"/> Business Loss/Interruption <input type="checkbox"/> Lost wages and earning capacity <input checked="" type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
10. What damages are you and/or your family claiming/seeking? Check all that apply	<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input checked="" type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?	<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07-01-2020 (mm/dd/yyyy)

/s/ Richard H. Levin

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Richard Levin</u>		
	First name	Middle name	Last name
Title	<u></u>		
Company	<u></u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>2615 Forest Ave, Suit 120</u>		
	Number	Street	
	<u>Chico</u>	<u>CA</u>	<u>93928</u>
	City	State	ZIP Code
Contact phone	<u>530 353 1679</u>	Email	<u>rlevin62@aol.com</u>

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Ithaca Homes, LLC Name of the current creditor (the person or entity to be paid for this claim)	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Are you filing this claim on behalf of your family? A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: _____ _____ _____ _____	
4. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name <u>Levin Law Group PLC</u> Attorney Name (if applicable) <u>Richard Levin</u> Attorney Bar Number (if applicable) <u>32041</u> Street Address <u>2615 Forest Ave, Suit 120</u> City <u>Chico</u> State <u>CA</u> Zip Code <u>93928</u> Phone Number <u>530 353 1679</u> Email Address <u>rlevin62@aol.com</u>	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____
5. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>58306 and 57515</u> Filed on <u>10/16/2019</u> MM / DD / YYYY	
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date this Claim Form is Filed

7. What fire is the basis of your claim? Check all that apply.	<input checked="" type="checkbox"/> Camp Fire (2018) <input type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire: _____)
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)	Location(s): 1532 Bigtree, Magalia CA 95969 This amended proof is filed to make it clear that the real property at 1532 Bigtree, Magalia CA 95969, and the claims resulting from damage to that real property (but not claims for emotional distress and personal property owned by Terry and Lisa DeCottignies) are owned by Ithaca Homes, LLC
9. How were you and/or your family harmed? Check all that apply	<input checked="" type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input checked="" type="checkbox"/> Business Loss/Interruption <input type="checkbox"/> Lost wages and earning capacity <input type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
10. What damages are you and/or your family claiming/seeking? Check all that apply	<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?	<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 07-01-2020 (mm/dd/yyyy)

/s/ Richard H. Levin

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Richard Levin</u>		
	First name	Middle name	Last name
Title	<u></u>		
Company	<u></u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>2615 Forest Ave, Suit 120</u>		
	Number	Street	
	<u>Chico</u>	<u>CA</u>	<u>93928</u>
	City	State	ZIP Code
Contact phone	<u>530 353 1679</u>	Email	<u>rlevin62@aol.com</u>

EXHIBIT C

1 LEVIN LAW GROUP PLC
2 RICHARD H. LEVIN (SBN 32041),
3 rlevin@wildfirelossattorney.com
4 2615 Forest Avenue, Suite 120
5 Chico, California 95928
6 Telephone: 530-353-1679
7 Facsimile: 877-310-0160

8 Attorneys for Ithaca Homes, LLC,
9 Lisa Decottignies, and Terry Decottignies

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 In re
13 PG&E CORPORATION,
14 And
15 PACIFIC GAS AND ELECTRIC
16 COMPANY,
17 Debtors.
18 X – Affects Both Debtors

CASE NO. 19-30088-DM

Ex C-1 Declaration of Lisa Decottignies

19 **DECLARATION OF LISA DECOTTIGNIES**

20 I, Lisa Decottignies, declare:

- 21 1. I am over 21, competent to testify and I have knowledge of the following:
- 22 2. My husband, Terry, and I own a property at 13721 Skyway, Magalia CA. We are also the
- 23 sole onwers and managers of Ithaca Homes, LLC, which owns a property at 1532 Bigtree
- 24 Lane, Paradise, CA
- 25 3. The Camp Fire caused damage to both our Skyway property and the Ithaca property on
- 26 Bigreee Lane.
- 27 4. We retained the Levin Law Group to assert our claim in October and discussed the
- 28 properties and the damage with staff in that office. Because Terry and I are the sole owners
- and managers of Ithaca Homes, LLC, we were under the impression that we could assert

1 the property damage claim at 1532 Bigtree. We did not discuss the fact that Ithaca Homes,
2 LLC is the actual owner with the Levin firm.

- 3 5. Richard Levin filed Proof of Claim No 58306 on my behalf on October 16, 2019. The
4 claim form listed me as the owner of both properties and of the claim for damage to real
5 property and business income at 1532 Bigtree.
6 6. I first became aware that the claim for damage to the real property at 1532 Bigtree should
7 have been filed in the name of Ithaca Homes, LLC when I was contacted by the Levin Law
8 Group in June 2020.
9 7. Claim 58306 was filed in good faith and the failure to name Ithaca Homes LLC was an
honest mistake.

10 I declare under penalty of perjury and pursuant to 28 USC 1746 that the foregoing is true and
correct.

11 Executed this 28 day of June, 2020

12 DocuSigned by:
13 
14 
Lisa Decottignies

1 LEVIN LAW GROUP PLC
2 RICHARD H. LEVIN (SBN 32041),
3 rlevin@wildfirelossattorney.com
4 2615 Forest Avenue, Suite 120
5 Chico, California 95928
6 Telephone: 530-353-1679
7 Facsimile: 877-310-0160

8 Attorneys for Ithaca Homes, LLC,
9 Lisa Decottignies, and Terry Decottignies

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 In re

CASE NO. 19-30088-DM

13 PG&E CORPORATION,

Ex C-2 Declaration of Terry Decottignies

14 And

15 PACIFIC GAS AND ELECTRIC
16 COMPANY,

17 Debtors.

18 X – Affects Both Debtors

19 **DECLARATION OF TERRY DECOTTIGNIES**

20 I, Terry Decottignies, declare:

- 21 1. I am over 21, competent to testify and I have knowledge of the following:
- 22 2. My wife, Lisa, and I own a property at 13721 Skyway, Magalia CA. We are also the sole
23 owners and managers of Ithaca Homes, LLC, which owns a property at 1532 Bigtree Lane,
24 Paradise, CA
- 25 3. The Camp Fire caused damage to both our Skyway property and the Ithaca property on
26 Bigree Lane.
- 27 4. We retained the Levin Law Group to assert our claim in October and discussed the
28 properties and the damage with staff in that office. Because Lisa and I are the sole owners
and managers of Ithaca Homes, LLC, we were under the impression that we could assert

LEVIN
LAW
GROUP PLC

11522125.5

1 the property damage claim at 1532 Bigtree. We did not discuss the fact that Ithaca Homes,
2 LLC is the actual owner with the Levin firm.

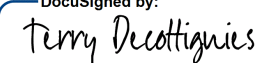
3 5. Richard Levin filed Proof of Claim No 58306 on my behalf on October 16, 2019. The
4 claim form listed me as the owner of both properties and of the claim for damage to real
5 property and business income at 1532 Bigtree.

6 6. I first became aware that the claim for damage to the real property at 1532 Bigtree should
7 have been filed in the name of Ithaca Homes, LLC when I was contacted by the Levin Law
8 Group in June 2020.

9 7. Claim 58306 was filed in good faith and the failure to name Ithaca Homes LLC was an
honest mistake.

10 I declare under penalty of perjury and pursuant to 28 USC 1746 that the foregoing is true and
correct.

11 Executed this 28 day of June, 2020

12 DocuSigned by:
13 
14 Terry Decottignies
FF5B4050D0014C7

1 LEVIN LAW GROUP PLC
2 RICHARD H. LEVIN (SBN 32041),
3 rlevin@wildfirelossattorney.com
4 2615 Forest Avenue, Suite 120
5 Chico, California 95928
6 Telephone: 530-353-1679
7 Facsimile: 877-310-0160

8 Attorneys for Ithaca Homes, LLC,
9 Lisa Decottignies, and Terry Decottignies

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 In re

CASE NO. 19-30088-DM

13 PG&E CORPORATION,

Ex C-3 Declaration of Richard Levin

14 And

15 PACIFIC GAS AND ELECTRIC
16 COMPANY,

17 Debtors.

18 X – Affects Both Debtors

19 **DECLARATION OF RICHARD H. LEVIN**

20 I, RICHARD H. LEVIN, declare:

21 1. I am an attorney duly licensed to practice law in the State of California and before
22 this Court. I am an attorney with the law firm of Levin Law Group PLC, attorneys for Ithaca
23 Homes, LLC, Lisa Decottignies, and Terry Decottignies. Unless stated otherwise, I have personal
24 knowledge of the following facts and, if called and sworn as a witness, could and would
25 competently testify thereto.

26 2. On October 16, 2019, Levin Law Group PLC submitted Proof of Claim No. 58306
27 for Lisa Decottignies and Proof of Claim No. 57515 for Terry Decottignies. Both claims describe
28 property damage, personal injury, business loss, and loss of community and essential services

1 claims for economic, non-economic and punitive damages as well as attorneys' fees, interest and
2 any other available damages in an unknown amount. Proof of Claim No 58306 lists Lisa as the
3 owner while Proof of Claim No. 57515 lists Terry as the owner. Both claim damage suffered at
4 both 1532 Bigtree and 13721 Skyway.

5
6 3. At the time the claims were filed, based on intake notes, I believed that Terry and
7 Lisa owned both properties as a married couple.

8 4. During late May 2020, staff in my office reviewed records concerning numerous
9 claims filed in this bankruptcy case. As part of that review, property records were discovered
10 which show that, while Terry and Lisa are joint owners of the Skyway property, the Bigtree
11 property actually belongs to Ithaca Homes, LLC. That fact was confirmed with Terry and Lisa in
12 June 2020.

13
14 5. To summarize, my office filed Proofs of Claim Nos. 58306 and 57515, which
15 designated Terry and Lisa Decottignies as the owners of the property at 1532 Bigtree. In fact,
16 Ithaca Homes, LLC is the owner of the property and of all claims to damage to the real property at
17 that address. It is the real party in interest.

18 6. The incorrect designation of the owner of the 1532 Bigtree property was due to a
19 miscommunication, not to any improper purpose. The claims were filed in good faith.

20 I declare under the penalty of perjury under 28 U.S.C. §1746, that the foregoing is true and
21 correct.
22

23 Executed on this 1st day of July, 2020, at Los Angeles, California.

24
25
26 /s/ Richard H. Levin
27 Richard H. Levin

From: [CANB Emergency Filings](#)
To: [REDACTED]
Subject: FW: PG&E - 19-30088-DM - Notice of Hearing and Motion to Amend Proof of Claim
Date: Wednesday, July 1, 2020 1:17:56 PM
Attachments: [Notice of Hearing 6-18-2020.pdf](#)
[Decottignies Motion.pdf](#)

From: Richard Levin [REDACTED]
Sent: Wednesday, July 1, 2020 9:13 AM
To: CANB Emergency Filings <CANB-EMERGENCY-FILINGS@canb.uscourts.gov>
Cc: 'Kris Trecartin' [REDACTED]
Subject: PG&E - 19-30088-DM - Notice of Hearing and Motion to Amend Proof of Claim

Dear Clerk

Attached please find a Notice of Hearing and Motion to Amend Proofs of Claim.

This is in the PG&E 19-30088-DM matter and our clients are Ithaca Homes, LLC, Lisa Decottignies, and Terry Decottignies.

If you have any questions, please let me know.

Thank you.

Richard H. Levin
[REDACTED]